

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:23-cv-117-KDB**

ACQUILLA BOOZE CAIN, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 M. OSBORNE, et al.,)
)
 Defendants.)
 _____)

ORDER

THIS MATTER is before the Court sua sponte.

The pro se Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983 addressing incidents that allegedly occurred at the Iredell County Detention Center. [Doc. 1]. The Complaint passed initial review against Defendant M. Osborne for the use of excessive force, and the Court exercised supplemental jurisdiction over the Plaintiff's North Carolina assault and battery claims against him. [Doc. 16]. The United States Marshals Service has returned an executed summons for Defendant Osborne, indicating that the Defendant was served on December 1, 2023. [Doc. 19]. No answer has been filed to date.

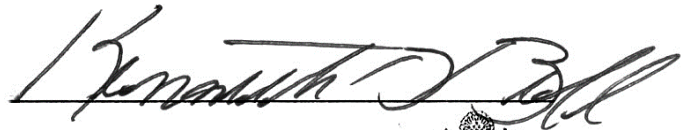
The Plaintiff shall take further action to prosecute this action within fourteen (14) days of this Order. Failure to take any such further action shall result in the dismissal of this case without prejudice.

IT IS, THEREFORE, ORDERED that the Plaintiff shall take further action to prosecute this case within **fourteen (14) days** of this Order. Failure to take any such further action shall result in the dismissal of this case without prejudice.

The Clerk is respectfully instructed to mail copies of this Order to the Plaintiff; to the Defendant at the address on the Summons [see Doc. 18]; and to Darren Campbell, Iredell County Sheriff, and Adam Dillard, attorney, at the Iredell County Sheriff's Office, PO Box 287, Statesville, NC 28687.

IT IS SO ORDERED.

Signed: January 11, 2024

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

